

## Calendar No. 851

106TH CONGRESS  
2D SESSION**S. 2848****[Report No. 106–429]**

To provide for a land exchange to benefit the Pecos National Historical  
Park in New Mexico.

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IN THE SENATE OF THE UNITED STATES

JULY 11, 2000

Mr. BINGAMAN introduced the following bill; which was read twice and  
referred to the Committee on Energy and Natural Resources

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To provide for a land exchange to benefit the Pecos National  
Historical Park in New Mexico.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pecos National Histor-  
5       ical Park Land Exchange Act of 2000”.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act—

3 (1) the term “Secretaries” means the Secretary  
4 of the Interior and the Secretary of Agriculture;

5 (2) the term “landowner” means Harold and  
6 Elizabeth Zuschlag, owners of land within the Pecos  
7 National Historical Park; and

8 (3) the term “map” means a map entitled  
9 “Pecos National Historical Park Land Exchange”  
10 and dated June 27, 2000.

11 **SEC. 3. LAND EXCHANGE.**

12 (a) Upon the conveyance by the landowner to the Sec-  
13 retary of the Interior of the lands identified in subsection  
14 (b), the Secretary of Agriculture shall convey the following  
15 lands and interests to the landowner, subject to the provi-  
16 sions of this Act:

17 (1) approximately 160 acres of Federal lands  
18 and interests therein within the Santa Fe National  
19 Forest in the State of New Mexico, as generally de-  
20 picted on the map; and

21 (2) an easement for water pipelines to two ex-  
22 isting well sites, located within the Pecos National  
23 Historical Park, as provided in this paragraph.

24 (A) The Secretary of the Interior shall de-  
25 termine the appropriate route of the easement  
26 through Pecos National Historical Park and

1           such route shall be a condition of the easement.  
 2           The Secretary of the Interior may add such ad-  
 3           ditional terms and conditions to the easement  
 4           as he deems appropriate.

5           (B) The easement shall be established, op-  
 6           erated, and maintained in compliance with all  
 7           Federal laws.

8           (b) The lands to be conveyed by the landowner to the  
 9           Secretary of the Interior comprise approximately 154  
 10          acres within the Pecos National Historical Park as gen-  
 11          erally depicted on the map.

12          (c) The Secretary of Agriculture shall convey the  
 13          lands and interests identified in subsection (a) only if the  
 14          landowner conveys a deed of title to the United States,  
 15          that is acceptable to and approved by the Secretary of the  
 16          Interior.

17          (d) TERMS AND CONDITIONS.—

18           (1) IN GENERAL.—Except as otherwise pro-  
 19          vided in this Act, the exchange of lands and inter-  
 20          ests pursuant to this Act shall be in accordance with  
 21          the provisions of section 206 of the Federal Land  
 22          Policy and Management Act (43 U.S.C. 1716) and  
 23          other applicable laws.

24           (2) VALUATION AND APPRAISALS.—The values  
 25          of the lands and interests to be exchanged pursuant

1 to this Act shall be equal, as determined by apprais-  
 2 als using nationally recognized appraisal standards  
 3 including the Uniform Appraisal Standards for Fed-  
 4 eral Land Acquisition. The landowner shall pay the  
 5 cost of the appraisals.

6 ~~(3) COMPLETION OF THE EXCHANGE.—~~The ex-  
 7 change of lands and interests pursuant to this Act  
 8 shall be completed not later than 90 days after the  
 9 Secretary of the Interior approves the appraisals.

10 ~~(4) ADDITIONAL TERMS AND CONDITIONS.—~~  
 11 The Secretaries may require such additional terms  
 12 and conditions in connection with the exchange of  
 13 lands and interests pursuant to this Act as the Sec-  
 14 retaries consider appropriate to protect the interests  
 15 of the United States.

16 **SEC. 4. BOUNDARY ADJUSTMENT AND MAPS.**

17 (a) Upon acceptance of title by the Secretary of the  
 18 Interior of the lands and interests conveyed to the United  
 19 States pursuant to section 4 of this Act, the boundaries  
 20 of the Pecos National Historical Park shall be adjusted  
 21 to encompass such lands. The Secretary of the Interior  
 22 shall administer such lands in accordance with the provi-  
 23 sions of law generally applicable to units of the National  
 24 Park System, including the Act entitled “An Act to estab-

lish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2–4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 3, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Pecos National Historical Park Land Exchange Act of 2000”.*

#### SEC. 2. DEFINITIONS.

*As used in this Act—*

(1) the term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term “landowner” means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term “map” means a map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

1 **SEC. 3. LAND EXCHANGE.**

2       (a) *Upon the conveyance by the landowner to the Sec-*  
3 *retary of the Interior of the lands identified in subsection*  
4 *(b), the Secretary of Agriculture shall convey the following*  
5 *lands and interests to the landowner, subject to the provi-*  
6 *sions of this Act:*

7           (1) *Approximately 160 acres of Federal lands*  
8 *and interests therein within the Santa Fe National*  
9 *Forest in the State of New Mexico, as generally de-*  
10 *picted on the map; and*

11          (2) *The Secretary of the Interior shall convey an*  
12 *easement for water pipelines to two existing well sites,*  
13 *located within the Pecos National Historical Park, as*  
14 *provided in this paragraph.*

15           (A) *The Secretary of the Interior shall de-*  
16 *termine the appropriate route of the easement*  
17 *through Pecos National Historical Park and*  
18 *such route shall be a condition of the easement.*  
19 *The Secretary of the Interior may add such ad-*  
20 *ditional terms and conditions relating to the use*  
21 *of the well and pipeline granted under this ease-*  
22 *ment as he deems appropriate.*

23           (B) *The easement shall be established, oper-*  
24 *ated, and maintained in compliance with all*  
25 *Federal laws.*

1       (b) *The lands to be conveyed by the landowner to the*  
2 *Secretary of the Interior comprise approximately 154 acres*  
3 *within the Pecos National Historical Park as generally de-*  
4 *picted on the map.*

5       (c) *The Secretary of Agriculture shall convey the lands*  
6 *and interests identified in subsection (a) only if the land-*  
7 *owner conveys a deed of title to the United States, that is*  
8 *acceptable to and approved by the Secretary of the Interior.*

9       (d) *TERMS AND CONDITIONS.—*

10           (1) *IN GENERAL.—Except as otherwise provided*  
11 *in this Act, the exchange of lands and interests pursu-*  
12 *ant to this Act shall be in accordance with the provi-*  
13 *sions of section 206 of the Federal Land Policy and*  
14 *Management Act (43 U.S.C. 1716) and other applica-*  
15 *ble laws including the National Environmental Policy*  
16 *Act (42 U.S.C. 4321 et seq.).*

17           (2) *VALUATION AND APPRAISALS.—The values of*  
18 *the lands and interests to be exchanged pursuant to*  
19 *this Act shall be equal, as determined by appraisals*  
20 *using nationally recognized appraisal standards in-*  
21 *cluding the Uniform Appraisal Standards for Federal*  
22 *Land Acquisition. The Secretaries shall obtain the*  
23 *appraisals and insure they are conducted in accord-*  
24 *ance with the Uniform Appraisal Standards for Fed-*  
25 *eral Land Acquisition. The appraisals shall be paid*

1     *for in accordance with the exchange agreement be-*  
 2     *tween the Secretaries and the landowner.*

3             (3) *COMPLETION OF THE EXCHANGE.*—*The ex-*  
 4     *change of lands and interests pursuant to this Act*  
 5     *shall be completed not later than 180 days after Na-*  
 6     *tional Environmental Policy Act requirements have*  
 7     *been met and after the Secretary of the Interior ap-*  
 8     *proves the appraisals. The Secretaries shall report to*  
 9     *the Committee on Energy and Natural Resources of*  
 10    *the United States Senate and the Committee on Re-*  
 11    *sources of the United States House of Representatives*  
 12    *upon the successful completion of the exchange.*

13            (4) *ADDITIONAL TERMS AND CONDITIONS.*—*The*  
 14    *Secretaries may require such additional terms and*  
 15    *conditions in connection with the exchange of lands*  
 16    *and interests pursuant to this Act as the Secretaries*  
 17    *consider appropriate to protect the interests of the*  
 18    *United States.*

19            (5) *EQUALIZATION OF VALUES.*—

20                (A) *The Secretary of Agriculture shall*  
 21    *equalize the values of Federal land conveyed*  
 22    *under subsection (a) and the land conveyed to*  
 23    *the Federal Government under subsection (b)—*

24                    (i) *by the payment of cash to the Sec-*  
 25    *retary of Agriculture or the landowner, as*



1           *appropriate, except that notwithstanding*  
2           *section 206(b) of the Federal Land Policy*  
3           *and Management Act of 1976 (43 U.S.C.*  
4           *1716(b)), the Secretary of Agriculture may*  
5           *accept a cash equalization payment in ex-*  
6           *cess of 25 percent of the value of the Federal*  
7           *land; or*

8                     *(ii) if the value of the Federal land is*  
9           *greater than the land conveyed to the Fed-*  
10          *eral government, by reducing the acreage of*  
11          *the Federal land conveyed.*

12           *(B) DISPOSITION OF FUNDS.—Any funds*  
13          *received by the Secretary of Agriculture as cash*  
14          *equalization payment from the exchange under*  
15          *this section shall be deposited into the fund es-*  
16          *tablished by Public Law 90–171 (commonly*  
17          *known as the “Sisk Act”) (16 U.S.C. 484a) and*  
18          *shall be available for expenditure, without fur-*  
19          *ther appropriation, for the acquisition of land*  
20          *and interests in the land in the State of New*  
21          *Mexico.*

22   **SEC. 4. BOUNDARY ADJUSTMENT AND MAPS.**

23           *(a) Upon acceptance of title by the Secretary of the*  
24          *Interior of the lands and interests conveyed to the United*  
25          *States pursuant to section 4 of this Act, the boundaries of*

1 *the Pecos National Historical Park shall be adjusted to en-*  
2 *compass such lands. The Secretary of the Interior shall ad-*  
3 *minister such lands in accordance with the provisions of*  
4 *law generally applicable to units of the National Park Sys-*  
5 *tem, including the Act entitled “An Act to establish a Na-*  
6 *tional Park Service, and for other purposes”, approved Au-*  
7 *gust 25, 1916 (16 U.S.C. 1, 2–4).*

8       *(b) The map shall be on file and available for public*  
9 *inspection in the appropriate offices of the Secretaries.*

10       *(c) Not later than 180 days after completion of the ex-*  
11 *change described in section 3, the Secretaries shall transmit*  
12 *the map accurately depicting the lands and interests con-*  
13 *veyed to the Committee on Energy and Natural Resources*  
14 *of the United States and the Committee on Resources of the*  
15 *United States House of Representatives.*



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**A BILL**

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SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported with an amendment